

Continuing Professional Development Scheme

Advisory

CPD Declaration for PC application in 2016: CPD-2016-3

Issued on: 5 February 2016

1. Pursuant to rule 8 of the Legal Profession (Continuing Professional Development) Rules 2012 ('CPD Rules') and for the purposes of section 25(1)(ca) of the Legal Profession Act (Cap 161), advocates and solicitors of the Supreme Court of Singapore ('solicitors') seeking to apply for a Singapore practising certificate ('PC') must make one of the three declarations set out under rule 8 of the CPD Rules in the online PC application form in 2016. The three declarations are as follows:
 - a. I have complied with every CPD requirement that was applicable to me at any time in the calendar year immediately preceding this practice year.
 - b. The Compliance Committee has granted me a waiver of one or more of the CPD requirements that were applicable to me at any time in the calendar year immediately preceding this practice year and I have complied with every other CPD requirement that was applicable to me in that preceding calendar year.
 - c. No CPD requirement was applicable to me at any time in the calendar year immediately preceding this practice year.
2. This SILE Advisory CPD-2016-3 clarifies the appropriate declaration to be made by the various groups of solicitors seeking to apply for PCs in 2016.

I am not subject to CPD requirements in CPD Year 2015. What CPD declaration should I make in my PC application in 2016?

3. For CPD Year 2015, the following are not subject to CPD requirements under the CPD Rules:
 - a. advocates and solicitors admitted to the Singapore Bar on or before 1 January 2000;
 - b. advocates and solicitors admitted to the Singapore Bar on or after 2 January 2000 who did not have a PC in force in CPD Year 2015 and are applying for a PC in 2016;

- c. foreign lawyers (not holding a Singapore practising certificate) and
 - d. holders of the Foreign Practitioner Certificate.
4. Solicitors falling into category (a) or (b) as set out in paragraph 3 above shall make the declaration under rule 8(c) of the CPD Rules when applying for a PC in 2016, namely **“No CPD requirement was applicable to me at any time in the calendar year immediately preceding this practice year”**.

Note: This SILE Advisory CPD-2016-3 does not apply to individuals falling into category (c) or (d) as set out in paragraph 3 above who do not make the PC application referred to in this advisory.

I have fulfilled my CPD requirements for CPD Year 2015. I am not relying on any waiver. What CPD declaration should I make in my PC application in 2016?

5. A solicitor in this category is one who:
- a. was admitted to the Singapore Bar **between 2 January 2000 and 1 January 2010** ('Senior Lawyer' or 'SRL') **OR on or after 2 January 2010** ('Newly-Qualified Lawyer' or 'NQL');
 - b. between 1 January 2015 and 31 December 2015, has held a PC for:
 - (i) more than 8 months, and has obtained 16 CPD Points (at least 8 of which are Public CPD Points) as an NQL **OR** 8 CPD Points (at least 4 of which are Public CPD Points) as an SRL; or
 - (ii) more than 5 months up to 8 months, and has obtained 8 CPD Points (at least 4 of which are Public CPD Points) as an NQL **OR** 4 CPD Points (at least 2 of which are Public CPD Points) as an SRL; or
 - (iii) 5 months or less and therefore does not need to obtain any CPD Points as an NQL or SRL;
 - c. has complied with every other 'CPD requirement' as defined in the CPD Rules and further specified in the CPD Rules (e.g. the requirement to maintain a record and evidence of the CPD activities he has undertaken in each calendar year); **AND**
 - d. is not relying on any type of waiver.
6. A solicitor who has fulfilled his/her CPD Requirements in the manner set out in paragraph 5 above shall make the declaration at rule 8(a) of the CPD Rules when applying for a PC in 2016, namely **“I have complied with every CPD Requirement that was applicable to me at any time in the calendar year immediately preceding this practice year”**.

Note: Solicitors admitted to the Singapore Bar on or after 2 January 2000 who did not have a PC in force in CPD Year 2015 and are applying for a PC in 2016 may make the declaration referred to in this paragraph 6.

I have CPD requirements for CPD Year 2015 and am relying on one or more waivers in respect of such CPD requirements. What CPD declarations should I make in my PC application in 2016?

7. A solicitor in this category is one who:
 - a. was admitted to the Singapore Bar on or after 2 January 2000;
 - b. between 1 January 2015 and 31 December 2015, held a PC such that he has CPD Requirements to fulfil;
 - c. is relying on one or more of the following waivers in respect of such CPD requirements:
 - (i) Deemed Waiver for statutorily-prescribed maternity leave;
 - (ii) Deemed Waiver for certified long-term medical leave;
 - (iii) Deemed Waiver for overseas secondment;
 - (iv) Extension Waiver;
 - (v) any other waiver explicitly granted by the CPD Compliance Committee; AND
 - d. has complied with every other 'CPD requirement' as defined and further specified in the CPD Rules (e.g. the requirement to maintain a record and evidence of the CPD activities he has undertaken in each calendar year).
8. A solicitor who relies on any type of waiver in respect of his/her CPD Requirements for CPD Year 2015, as set out in paragraph 7 above, shall make the declaration at rule 8(b) of the CPD Rules when applying for a PC in 2016, namely **"The Compliance Committee has granted me a waiver of one or more of the CPD requirements that were applicable to me at any time in the calendar year immediately preceding this practice year and I have complied with every other CPD requirement that was applicable to me in that preceding calendar year"**.

Note: A solicitor who was audited in 2015 for compliance with CPD Requirements for CPD Year 2014 and was given directions by the CPD Compliance Committee, and who has complied with such directions and every other 'CPD requirement' as defined and specified in the CPD Rules, should make the declaration referred to in this paragraph 8.

Verification of compliance with CPD Requirements

9. A solicitor who has fulfilled his/her CPD requirements for CPD Year 2015 without relying on any type of waiver as mentioned in paragraph 5 above and made the declaration as mentioned in paragraph 6 above, may be subject to an audit of his/her compliance with his/her CPD requirements for CPD Year 2015 and possibly CPD Year 2016.
10. A solicitor who relies on any type of waiver in respect of his/her CPD requirements for CPD Year 2015 as mentioned in paragraph 7 above and made the declaration as mentioned in paragraph 8 above will be subjected to an audit of his/her compliance with his/her CPD Requirements for CPD Year 2015 and possibly CPD Year 2016. A solicitor who falls within the category under the Note to paragraph 8 will also be subjected to an audit of his/her compliance with the CPD Compliance Committee's directions.
11. The audit of CPD requirements is expected to take place from May of each calendar year and is an audit of a solicitor's compliance with his/her CPD requirements in up to the three CPD Years preceding the CPD Year in which the audit is conducted. The details of the audit process will be made known through the publication of a separate advisory at a later date.
12. For a summary of the categories of solicitors and the appropriate CPD declarations to make, please refer to the Annex to this SILE Advisory CPD-2016-3.

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ANNEX TO SILE ADVISORY CPD-2016-3

If you declare ...	You must be ...
<p>“I have complied with every CPD Requirement that was applicable to me at any time in the calendar year immediately preceding this practice year.”</p> <p>[Rule 8(a) of the CPD Rules.]</p>	<p>A solicitor who:</p> <p>a. was admitted to the Singapore Bar on or after 2 January 2010 (‘Newly-Qualified Lawyer’ or ‘NQL’) OR between 2 January 2000 and 1 January 2010 (‘Senior Lawyer’ or ‘SRL’);</p> <p>b. between 1 January 2015 and 31 December 2015, has held a PC for:</p> <p>(i) more than 8 months, and has obtained 16 CPD Points (at least 8 of which are Public CPD Points) as an NQL OR 8 CPD Points (at least 4 of which are Public CPD Points) as an SRL; or</p> <p>(ii) more than 5 months up to 8 months, and has obtained 8 CPD Points (at least 4 of which are Public CPD Points) as an NQL OR 4 CPD Points (at least 2 of which are Public CPD Points) as an SRL; or</p> <p>(iii) 5 months or less and therefore does not need to obtain any CPD Points as an NQL or SRL;</p> <p>c. has complied with every other ‘CPD Requirement’ as defined and further specified in the CPD Rules (e.g. the requirement to maintain a record and evidence of the CPD Activities undertaken in each calendar year);</p> <p>AND</p> <p>d. is not relying on any type of waiver.</p> <p>Note: Solicitors admitted to the Singapore Bar on or after 2 January 2000 who did not have a PC in force in CPD Year 2015 and are applying for a PC in 2016 may make this declaration.</p>

If you declare ...	You must be ...
<p>“The Compliance Committee has granted me a waiver of one or more of the CPD Requirements that were applicable to me at any time in the calendar year immediately preceding this practice year and I have complied with every other CPD Requirement that was applicable to me in that preceding calendar year.”</p> <p>[Rule 8(b) of the CPD Rules]</p>	<p>A solicitor who:</p> <ol style="list-style-type: none"> a. was admitted to the Singapore Bar on or after 2 January 2000; b. between 1 January 2015 and 31 December 2015, held a PC such that you have CPD requirements to fulfil; c. is relying on <u>one or more</u> of the following waivers in respect of such CPD requirements: <ol style="list-style-type: none"> (i) Deemed Waiver for statutorily-prescribed maternity leave; (ii) Deemed Waiver for certified long-term medical leave; (iii) Deemed Waiver for overseas secondment; (iv) Extension Waiver; (v) any other waiver explicitly granted by the CPD Compliance Committee; AND d. has complied with every other ‘CPD Requirement’ as defined and further specified in the CPD Rules (e.g. the requirement to maintain a record and evidence of the CPD Activities he has undertaken in each calendar year). <p>Note: A solicitor who was audited in 2015 for compliance with CPD Requirements for CPD Year 2014 and was given directions by the CPD Compliance Committee, and who has complied with such directions and every other ‘CPD Requirement’ as defined and specified in the CPD Rules, should make this declaration.</p>

If you declare ...	You must be ...
<p>“No CPD Requirement was applicable to me at any time in the calendar year immediately preceding this practice year.”</p> <p>[Rule 8(c) of the CPD Rules.]</p>	<p>One of the following:</p> <ul style="list-style-type: none"> a. an advocate and solicitor admitted to the Singapore Bar on or before 1 January 2000; or b. an advocate and solicitor admitted to the Singapore Bar on or after 2 January 2000 who did not have a PC in force in CPD Year 2015, and are applying for a PC in 2016.